

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JUSTAN ADAMS,)	
)	
Plaintiff)	
)	
v.)	Civil No. 10-82-B-W
)	
MAINE, STATE OF,)	
)	
Defendant)	

ORDER DENYING MOTION
and
RECOMMENDED DECISION

On February 24, 2010, Adams filed a “complaint” against the State of Maine, claiming that “being picked up by the police for no reason really sucks.” (Doc. No. 1). This pleading was accompanied by a motion to proceed in forma pauperis. Adams indicated that during the past year he had received disability or workers compensation payments but did not indicate the amount of those payments. I ordered him to supplement his motion by providing that information and gave him until March 15, 2010, to do so. I also instructed him that he would have to file an amended complaint naming a defendant who was not immune from suit in this court and stating a cognizable legal claim. A copy of my order was mailed to the address provided by Adams when he filed his complaint. It was returned to this Court as undeliverable because the addressee was not known at the address provided. Adams has not contacted the court since the date of the complaint and motion.

I now deny the motion to proceed in forma pauperis because Adams has not complied with my order to furnish further information in order to establish his financial eligibility. Furthermore, I recommend that this Court dismiss his complaint because it fails to state a claim

and because his failure to complete the financial affidavit or pay the filing fee suffices to support a dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute this action.

Even if Adams had paid the filing fee or properly completed the application to proceed without prepayment of the fee, this complaint as currently drafted would be subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B). Adams was given an opportunity to amend his complaint and bring it into conformity with the rules of procedure and relevant case law. As currently postured the pleading names a defendant, the State of Maine, against whom monetary relief cannot be granted. Additionally, while I am sure Adams is frustrated by frequent encounters with police officers, filing a legal complaint against the State of Maine because of his displeasure is frivolous and a waste of court resources. The complaint should be summarily dismissed.

Conclusion

Therefore, I recommend the complaint be DISMISSED in its entirety.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

March 17, 2010

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge